

1 to a hearing to contest the Accusation, and the Division of
2 Medical Quality now proceeds without hearing to take action based
3 upon the Accusation, declarations, and documentary evidence on
4 file in accordance with Government Code sections 11505(a) and
5 11520.

6 FINDINGS OF FACT

7 The allegations of the Accusation, a true and correct
8 copy of which is attached hereto as Exhibit 3 and incorporated by
9 reference herein are found to be true.

10 DETERMINATION OF ISSUES

11 Pursuant to the foregoing findings of fact, respondent
12 has committed acts constituting unprofessional conduct in
13 violation of Business and Professions Code sections 2234 and
14 2305.

15 DISCIPLINARY ORDER

16 WHEREFORE, the following order is made:

17 Physician's and Surgeon's certificate number C-41495
18 issued to Abbas H. Demetrios, M.D. is revoked.

19 Respondent shall not be deprived of making any further
20 showing by way of mitigation. However, such showing must be made
21 in writing to the Division of Medical Quality, Medical Board of
22 California at 1430 Howe Avenue, Sacramento, California 95825-
23 2236, prior to the effective date of this decision.

24 This decision shall be effective on May 3, 1996.

25 DATED: April 3, 1996

26 MEDICAL BOARD OF CALIFORNIA
27 DEPARTMENT OF CONSUMER AFFAIRS

28 BY



Ira Lubell, M.D., Chair, Panel A

DANIEL E. LUNGREN, Attorney General
of the State of California
JANA L. TUTON
Supervising Deputy Attorney General
MARA FAUST
Deputy Attorney General
1515 K Street, Suite 511
P. O. Box 944255
Sacramento, California 94244-2550
Telephone: (916) 324-5358

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	NO. 16-94-46310
Against:)	
)	
ABBAS H. DEMETRIOS, M.D.)	<u>ACCUSATION</u>
P. O. Box 1792)	
Lake Isabella, California 93240)	
California Physician's and)	
Surgeon's Certificate)	
No. C41495)	
)	
Respondent.)	

Dixon Arnett, for causes for discipline, alleges:

1. Complainant Dixon Arnett makes and files this accusation in his official capacity as Executive Director of the Medical Board of California (hereinafter referred to as the "Board").

2. On July 30, 1984, the Medical Board of California issued physician's and surgeon's certificate number C41495 to

1 Abbas H. Demetrios, M.D. The certificate will expire March 31,
2 1996, unless renewed.

3
4 3. Under Business and Professions Code section 2234,
5 the Division of Medical Quality shall take action against any
6 licensee who is charged with unprofessional conduct.

7 Under Business and Professions Code section 2305, the
8 revocation, suspension, or other discipline by another state of a
9 license or certificate to practice medicine issued by the state
10 shall constitute unprofessional conduct against such licensee in
11 this state.

12 Under Business and Professions Code section 118(b), the
13 expiration of a license shall not deprive the Board of
14 jurisdiction to proceed with a disciplinary action during the
15 time within which the license may be renewed, restored, or
16 reinstated.

17 Under Business and Professions Code section 2428, a
18 license which has expired may be renewed any time within five
19 years after expiration.

20 Under Business and Professions Code section 125.3, the
21 Medical Board of California may request the administrative law
22 judge to direct a licentiate found to have committed a violation
23 or violations of the licensing act to pay a sum not to exceed the
24 reasonable costs of the investigation and enforcement of the
25 case.

26 //

27 //

1 4. Respondent has subjected his physician and surgeon
2 certificate to discipline under Business and Professions Code
3 section 2305 on the grounds of unprofessional conduct in that on
4 December 6, 1993, the State of Georgia, Board of Medical
5 Examiners ordered the summary suspension of respondent's license
6 to practice medicine in that state. The suspension occurred
7 after the Board received information that respondent had engaged
8 in a pattern of inappropriate sexual conduct with several
9 patients. On October 5, 1994, the State of Georgia, Board of
10 Medical Examiners imposed discipline on respondent's license to
11 practice medicine in that state by accepting the voluntary
12 surrender of respondent's Georgia license. Respondent was
13 convicted by a Georgia jury of rape, battery, aggravated sexual
14 battery, simple battery, sexual battery, sexual assault by a
15 practitioner of psychotherapy against a patient. All of the acts
16 of sexual contact occurred at the medical office of the
17 respondent. Respondent was sentenced to sixty-nine years in
18 prison. Attached as Exhibit A and incorporated by reference is a
19 true and correct copy of the Order of Summary Suspension,
20 Acceptance of Voluntary Surrender of Medical License and related
21 documents from the State of Georgia.

22
23 WHEREFORE, complainant prays a hearing be had and that
24 the Medical Board of California make its order:

25 1. Revoking or suspending physician and surgeon
26 certificate number C41495, issued to Abbas H. Demetrios, M.D.

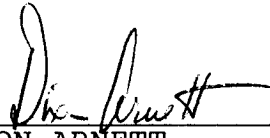
27 2. Prohibiting Abbas H. Demetrios, M.D. from

1 supervising physician assistants.

2 3. Ordering Abbas H. Demetrios, M.D., to pay to the
3 Medical Board of California its costs for investigation and
4 enforcement according to proof at the hearing, pursuant to
5 Business and Professions Code section 125.3.

6 4. Taking such other and further action as may be
7 deemed proper and appropriate.

8 DATED: May 30, 1995

9
10 

11 _____
12 DIXON ARNETT
13 Executive Director
14 Medical Board of California
15 Department of Consumer Affairs
16 State of California

17 Complainant

18 0381
19 10 31 1995
20 10 31 1995

21
22 03573160-
23 SA95AD0457
24 (SM 4/19/95)

EXHIBIT A

DEC 6 1993

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
STATE OF GEORGIA

93-680

IN THE MATTER OF:

ABBAS HALIM DEMETRIOS, M.D.
License No. 020862

Respondent.

*
* Docket No. _____
*
*
*
*

ORDER OF SUMMARY SUSPENSION

The Board has received reliable information that Respondent has recently engaged in a pattern of inappropriate sexual conduct with several patients, which conduct includes the following:

1.

On or about October 27, 1993, Respondent conducted a physical examination of patient Jane Doe. (Patient names excluded to protect the patient's confidentiality. Respondent has been provided with the patient names). During the course of that examination, Respondent touched this patient in an inappropriate sexual manner.

2.

Respondent did not have a third person present when he conducted his physical examination of patient Jane Doe.

3.

On or about November 12, 1993, Respondent conducted a physical examination of patient Ann Doe. During the course of that examination, Respondent touched this patient in an inappropriate sexual manner.

4.

Respondent did not have a third person present when he conducted his physical examination of patient Ann Doe.

5.

On or about November 26, 1993, Respondent conducted a physical examination of patient Mary Doe. During the course of that examination, Respondent touched and kissed this patient in an inappropriate sexual manner.

6.

Respondent did not have a third person present when he conducted his physical examination of patient Mary Doe.

7.

On or about December 3, 1993, Respondent conducted a physical examination of patient Sarah Doe. During the course of that examination, Respondent touched and kissed this patient in an inappropriate sexual manner.

8.

Respondent did not have a third person present when he conducted his physical examination of patient Sarah Doe.

NOW THEREFORE, based upon Respondent's repeated pattern of inappropriate sexual conduct with his patients, the Board finds that the public health safety and welfare imperatively requires emergency action, and it is hereby ORDERED that Respondent's license to practice medicine in the State of Georgia shall be SUSPENDED, pending proceedings for revocation or other action which shall be promptly instituted and determined.

It is further ORDERED that:

(a) A Notice of Hearing shall be contemporaneously issued with this Order and served upon Respondent; the matter shall be assigned to a hearing officer and promptly scheduled for hearing.

(b) The Respondent shall undergo a complete mental/physical examination, by physician(s) acceptable to the Board, within seven (7) days from the date of service of this Order, or provide a release for the results of a substantially equivalent evaluation conducted no more than thirty (30) days prior to the date of service, pursuant to the terms of the Pre-Hearing Order for Mental/Physical Examination which has been served on Respondent contemporaneously with this Order.

This Order is signed and attested by the Joint Secretary of the State Examining Boards on behalf of the Composite State Board of Medical Examiners.

This 6th day of December, 1993.

COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS

(BOARD SEAL)

F. JAMES FUNK, JR., M.D.
President



WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

DEC 6 1993

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
STATE OF GEORGIA

DOCKET NUMBER
93-680

IN THE MATTER OF:

ABBAS HALIM DEMETRIOS, M.D.
License No. 020862,

Respondent.

*
*
*
*
*

DOCKET NO. _____

PRE-HEARING ORDER FOR
MENTAL/PHYSICAL EXAMINATION

TO: Abbas Halim Demetrios, M.D.
105 Sonnet Drive
Cumming, Georgia 30130

Pursuant to O.C.G.A. § 43-34-37(a)(13)(A), you are hereby required to submit to a 72-hour inpatient mental/physical examination by a facility or physician(s) acceptable to the Board, within seven (7) days from the date of service of this Order, or provide a release for the results of a substantially equivalent evaluation conducted no more than thirty (30) days prior to the date of service, for the purpose of determining whether you have become unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition. This evaluation shall include a complete physical and mental assessment for possible sexual impulse control disorder and chemical dependency. You are further required to execute the attached Consent to Release of Medical Records, or

to execute such release as the institution or practitioner may require to release the records of the examination to the Board.

This examination is ordered upon reasonable grounds by the Composite State Board of Medical Examiners, pursuant to its authority under O.C.G.A. § 43-34-37(a)(13). Financial arrangements for the evaluation are your responsibility.

Failure to comply with this Order, unless such failure is due to circumstances beyond your control, in which case such circumstances should be immediately reported to David L. Morgan, M.D., medical coordinator of the Board, by telephone at (404) 656-3915, and confirmed in writing, 166 Pryor Street, S.W., Atlanta, Georgia 30303, could result in further disciplinary proceedings to revoke, suspend or otherwise sanction your license to practice medicine in the State of Georgia.

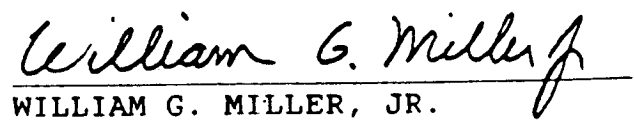
This Order is signed and attested by the Joint Secretary of the State Examining Boards on behalf of the Composite State Board of Medical Examiners, and shall be subject to the provisions of O.C.G.A. §§ 43-34-37(a)(13)(C), 43-34-37(d), 43-1-19(h)(2).

This 6th day of December, 1993.

COMPOSITE STATE BOARD OF MEDICAL
EXAMINERS

F. JAMES FUNK, JR., M.D.
President

(Board Seal)


WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

CONSENT TO RELEASE RECORDS

TO: _____

(Fill in name of institution where evaluation was performed)

I, Abbas Halim Demetrios, M.D., do hereby consent to and authorize the release of any and all records, including alcohol and drug treatment or psychiatric records, concerning any examination performed pursuant to the terms of this Order, or any records of previous evaluations or examinations which may be necessary for a current assessment, to the medical coordinator of the Composite State Board of Medical Examiners, or a designee thereof. I understand that this disclosure is for use by the Composite State Board of Medical Examiners in its investigation concerning my fitness to practice medicine in the State of Georgia, pursuant to O.C.G.A. § 43-34-37(a)(13), and that the information so gathered shall be governed by the provisions of O.C.G.A. §§ 43-34-37(a)(13)(C), 43-34-37(d) and 43-1-19(h), and by any applicable federal law.

I understand that this consent is subject to revocation at any time, except to the extent that action has been taken in reliance thereon, or as provided by federal law.

ABBAS HALIM DEMETRIOS, M.D.

Sworn to and subscribed
before me this ____ day
of _____, 1993.

NOTARY PUBLIC
My commission expires:

**PSYCHIATRISTS ACCEPTABLE TO THE
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
FOR PERFORMING COMPREHENSIVE PSYCHIATRIC EVALUATIONS**

Pursuant to O.C.G.A. § 43-34-37(a)(13)(A), the Composite State Board of Medical Examiners has the authority to order you to submit to a comprehensive psychiatric evaluation by a psychiatrist(s) acceptable to the Board. Below you will find the names and addresses of several psychiatrists who the Board has approved to conduct such an evaluation.

Gene Abel, M.D.
3280 Howell Mill Road, N.W.
Ste. T-30, West Wing
Atlanta, Georgia 30327
(404) 351-0116

Dave M. Davis, M.D.
1938 Peachtree Road, N.W., Ste. 505
Atlanta, Georgia 30309-1253
(404) 355-2914

William S. Davis, M.D.
308 Shorter Ave.
Rome, Georgia 30165
(706) 234-6111

Bernard Holland, M.D.
450 East Paces Ferry Road, N.E.
Atlanta, Georgia 30305
(404) 261-3550

Richard R. Irons, M.D.
Anchor Hospital
5454 Yorktown Drive
College Park, GA 30349
(404) 991-6044

Should you have any questions, you may contact David L. Morgan, M.D., Medical Coordinator for the Board, at (404) 656-3915.

DEC 6 6 1993

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

DEC 6 6 1993

STATE OF GEORGIA

03-686

IN THE MATTER OF:

ABBAS HALIM DEMETRIOS, M.D.
License No. 020862

DOCKET NO. _____

Respondent.

TO: ABBAS HALIM DEMETRIOS, M.D.
105 Sonnet Drive
Cumming, GA 30130NOTICE OF HEARING

You are hereby notified that the Composite State Board of Medical Examiners, through its appointed representative, will hold a hearing at the offices of the Board, 166 Pryor Street, S.W., Atlanta, Georgia 30303, at 10:00 o'clock, a.m., on Tuesday, December 21, 1993, for the purpose of hearing charges that, if proven, may result in suspension, revocation or other disciplinary action against your license to practice medicine in the State of Georgia. You are also notified of the following matters:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Composite State Board of Medical Examiners by O.C.G.A. Chs. 1 and 34, T. 43, as amended, O.C.G.A. § 43-1-19 and in accordance with the Administrative Procedure Act, codified in O.C.G.A. Ch. 13, T. 50, as amended, the Rules and Regulations of the Composite State Board of Medical Examiners

PUBLIC FILE COPY - PATIENT NAMES EXCLUDED

and the Rules and Regulations of the Joint Secretary, State
Examining Boards.

HEARING OFFICER

Pursuant to the provisions of O.C.G.A. Ch. 13, T. 50, the
Composite State Board of Medical Examiners hereby appoints the
hearing officer designated below as hearing officer for the
above-styled matter.

NAME: _____
ADDRESS: _____

WAYNE HOWELL
P. O. BOX 127
FAYETTEVILLE, GA 30214-0127

TELEPHONE: (404) 461-7587

The hearing officer shall have the authority to exercise those
powers on behalf of the Board enumerated in O.C.G.A.

§ 50-13-13(a)(6) or elsewhere in the Georgia Administrative
Procedure Act or the rules of the Joint Secretary, as adopted by
the Board, in conducting the hearing.

RIGHTS OF RESPONDENT

You have the following rights in connection with this
hearing:

- (1) To respond and to present evidence on any
relevant issue;
- (2) To be represented by counsel at your expense;
- (3) To subpoena witnesses and documentary evidence
through the Board by filing a request with the Joint
Secretary; and

(4) Such other rights as are conferred by the Rules and Regulations of the Board and the Rules and Regulations of the Joint Secretary, State Examining Boards.

FILING OF ANSWER AND OTHER PLEADINGS

An Answer to this Notice of Hearing must be filed within fourteen (14) days after receipt or service of this Notice. The original and one duplicate of the Answer and any subsequent pleading or response, each designated as "Original" and "Duplicate" by appropriate marking or stamp, should be filed with the Docket Clerk of the Joint Secretary, 166 Pryor Street, S.W., Atlanta, Georgia 30303. An additional copy of the Answer and any subsequent pleading or response should also be sent to or served upon counsel for the Board, whose name and address appear on the last page of this Notice.

STATUTES AND RULES INVOLVED

Sanction of the Respondent's license is sought pursuant to the following provisions of O.C.G.A. § 43-34-37:

(a) The board shall have authority to refuse to grant a license to an applicant or to discipline a physician licensed under this chapter or any antecedent law upon a finding by the board that the licensee or applicant has:

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional

PUBLIC FILE COPY - PATIENT NAMES EXCLUDED

conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimal standards of acceptable and prevailing medical practice or by rule of the board;

(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, which law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action is violative of such law, rule, or regulation; or violated a lawful order of the board, previously entered by the board in a disciplinary hearing;

O.C.G.A. § 43-1-19(a) provides that a state examining board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession

licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title.

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the state examining board regulating the business or profession licensed under this title, the United States, or any other lawful authority (without regard to whether the violation is criminally punishable), which statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement.

Pursuant to Rule 360-2-.09, the Board has the authority to refuse to grant a license to an applicant, or to discipline a physician licensed in Georgia, if that physician has engaged in unprofessional conduct. For the purpose of the implementation and enforcement of this rule, unprofessional conduct is defined as, but not limited to participating in or aiding the following:

- (i) Commission of any act of sexual intimacies, abuse, or misconduct or exploitation related to the licensee's practice of medicine.

ISSUES INVOLVED

1.

Whether Respondent's acts of sexual intimacy with patients during the course of the doctor-patient relationship constitutes unprofessional conduct departing from or failing to conform to the minimal standards of acceptable and prevailing medical practice.

2.

Whether Respondent's conduct of performing physical examinations on female patients without the presence of a third party constitutes unprofessional conduct departing from or failing to conform to the minimal standards of acceptable and prevailing medical practice.

MATTERS ASSERTED

1.

The Respondent holds a license to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters asserted herein.

2.

On or about October 27, 1993, Respondent conducted a physical examination of patient Jane Doe. (Patient names excluded from the public file copy to protect the patient's

confidentiality. Respondent has been provided with a confidential file copy which includes the patient names). During the course of that examination, Respondent touched this patient in an inappropriate sexual manner.

3.

Respondent did not have a third person present when he conducted his physical examination of patient Jane Doe.

4.

On or about November 12, 1993, Respondent conducted a physical examination of patient Ann Doe. During the course of that examination, Respondent touched this patient in an inappropriate sexual manner.

5.

Respondent did not have a third person present when he conducted his physical examination of patient Ann Doe.

6.

On or about November 26, 1993, Respondent conducted a physical examination of patient Mary Doe. During the course of that examination, Respondent touched and kissed this patient in an inappropriate sexual manner.

7.

Respondent did not have a third person present when he conducted his physical examination of patient Mary Doe.

8.

On or about December 3, 1993, Respondent conducted a physical examination of patient Sarah Doe. During the course of that

examination, Respondent touched and kissed this patient in an inappropriate sexual manner.

9.

Respondent did not have a third person present when he conducted his physical examination of patient Sarah Doe.

The foregoing, if correct, constitutes sufficient grounds for the imposition of sanctions, including revocation, upon the Respondent's license to practice medicine in the State of Georgia, under O.C.G.A. §§ 43-34-37(a) and/or 43-1-19(a).


This Notice of Hearing is signed and attested by the Joint Secretary of the State Examining Boards, on behalf of the Composite State Board of Medical Examiners.

This 6th day of December, 1993.

COMPOSITE STATE BOARD OF MEDICAL
EXAMINERS

F. JAMES FUNK, JR., M.D.
President

(BOARD SEAL)


WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

Counsel:

JENNIFER D. ROORBACH
Staff Attorney
40 Capitol Square, S.W.
Atlanta, Georgia 30334
Telephone: (404) 656-3346

93680

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF:)

ABBAS HALIM DEMETRIOS, M.D.)

License No. 020862,)

Docket No. 93-680

Respondent.)

ACCEPTANCE OF VOLUNTARY SURRENDER OF LICENSE

The Petition for Voluntary Surrender of License by Abbas Halim Demetrios, M.D., License No. 020862, is hereby accepted by the Composite State Board of Medical Examiners.

This 5th day of October, 1994.

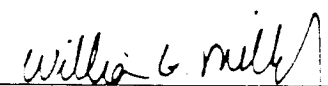
COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS

BY:


F. JAMES FUNK, JR., M.D.
President

ATTEST:

(BOARD SEAL)


WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF:)

ABBAS HALIM DEMETRIOS, M.D.)

License No. 020862,)

Docket No. 93-680

93-680

Respondent.)

PETITION FOR VOLUNTARY SURRENDER OF LICENSE

Comes now Abbas Halim Demetrios, M.D., the Respondent in the above-styled action, by and through his undersigned counsel, and for his Petition for Voluntary Surrender of License, moves the Composite State Board of Medical Examiners, as follows:

STATEMENT OF FACTS

1. That Respondent is the holder of license number 020862 to practice medicine in the State of Georgia.

2. That Respondent was indicted in the Superior Court of Forsyth County, Georgia, indictment number 94-7149, for three counts of sexual assault by a practitioner of psychotherapy against a patient, in violation of O.C.G.A. § 16-6-5.1 (counts 1, 15 and 19 of the indictment); for eight counts of rape, in violation of O.C.G.A. § 16-6-1 (counts 3, 4, 6, 7, 8, 9, 10, and 11 of the indictment); one count of simple battery, in violation of O.C.G.A. § 16-5-23 (count 2 of the indictment); two counts of aggravated sodomy, in violation of O.C.G.A. § 16-6-2 (counts 12 and 13 of the indictment); three counts of aggravated sexual

battery, in violation of O.C.G.A. § 16-6-2.2 (counts 5, 16, and 18 of the indictment); one count of aggravated assault with a deadly weapon, in violation of O.C.G.A. § 16-5-21 (count 14 of the indictment); and four counts of sexual battery, in violation of O.C.G.A. § 16-6-2.2 (counts 17, 20, 21, and 22 of the indictment).

3. That all of the counts in the indictment allegedly occurred in the Respondent's medical office, in the St. Meena Medical Center in Cumming, Georgia. Furthermore, all of the victims alleged in the indictment were persons who were present in the Respondent's office for actual or purported medical conditions; and requested medical treatment from the Respondent.

4. That the Respondent entered a plea of not guilty to each and every count, and allegation contained in the indictment.

5. That the Respondent was afforded a trial by jury in the criminal indictment and that on September 22, 1994, the jury returned its verdict in the Respondent's criminal trial.

6. That the Respondent was found guilty of rape in counts 3 and 6 of the indictment; guilty of simple battery in count 2 of the indictment; guilty of aggravated sexual battery in count 5 of the indictment; guilty of the lesser included offense of simple battery in counts 1, 12, 13, 15, and 21; guilty of the lesser included offense of sexual battery in counts 4 and 18 of the

indictment; guilty of sexual assault by a practitioner of psychotherapy against a patient in count 19 of the indictment; guilty of sexual battery in counts 17, 20 and 22 of the indictment; and not guilty in counts 7, 8, 9, 10, 11, 14 and 16 of the indictment.

7. That notwithstanding the Respondent's convictions on the four felony counts and the eleven misdemeanor accounts, the Respondent maintains that he is innocent of all the allegations contained in the indictment. That the Respondent intends to appeal his convictions.

ARGUMENT AND CITATION OF LAW

8. O.C.G.A. § 43-34-37(a) gives this Board the authority to discipline a physician licensed under this chapter or any antecedent law, upon a finding by the Board that the licensee has committed an act prohibited in O.C.G.A. § 43-34-37(a)(1-13).

Pursuant to O.C.G.A. § 43-34-37(a)(3), the Board is authorized to discipline a licensee that has been convicted of a felony in the courts of this state or any other state, territory, country, or of the United States.

Pursuant to O.C.G.A. § 43-34-37(a)(4), the Board is authorized to discipline a licensee that has committed a crime involving moral turpitude, without regard to conviction. O.C.G.A. § 43-34-37(a)(4) further provides that the conviction of a crime

involving moral turpitude shall be evidence of the commission of such crime.

9. O.C.G.A. § 43-34-37(b)(1)(e) provides that when the Board finds that any person should be disciplined pursuant to subsection (a) of this Code section, the Board may revoke any license. Respondent readily acknowledges that the conviction of a felony or a crime of moral turpitude is a common reason for revocation of professional licenses; and that his convictions in the Superior Court of Forsyth County, Georgia, are sufficient grounds to revoke his license to practice medicine.

10. That O.C.G.A. § 43-34-37 provides that it was "enacted in the public welfare and shall be liberally construed." The Respondent further recognizes that his right to practice medicine is conditional and subordinate to state's power and duty to safeguard public health, and it is the universal rule that in performance of such duty and in exercise of such power, the state may regulate and control the practice of medicine and those who engage therein, subject only to limitation that measures adopted must be reasonable, necessary, and appropriate to accomplish legislature's valid objective of protecting health and welfare of its inhabitants. *Geiger v. Jenkins*, 316 F. Supp. 370 (N.D. Ga. 1970), aff'd, 401 U.S. 985, 91 S. Ct. 1236, 28 L. Ed. 2d 525 (1971). Respondent acknowledges that it would not be in the best

interest of the public welfare to allow a physician, who has been convicted of sexual assaulting his patients, to maintain his license to practice medicine.

11. That O.C.G.A. § 43-34-37(c) provides that the Board, in its discretion, may restore and reissue a license to practice medicine issued under this chapter or any antecedent law and, as a condition thereof, may impose any disciplinary or corrective measure provided in this chapter.

PRAYERS FOR RELIEF

12. That the Composite State Board of Medical Examiners for the State of Georgia allow the Respondent to voluntarily surrender his license to practice medicine in the State of Georgia, subject to the pending termination of the direct appeal of his convictions in the Superior Court of Forsyth County, Georgia. That in the event Respondent's convictions are affirmed on direct appeal the Respondent's license to practice medicine shall remain revoked. That in the event Respondent's convictions are reversed on appeal, Respondent shall be entitled to a hearing before the Board to resolve the matters asserted and issues alleged in the Notice of Hearing and to determine whether Respondent's license should be reinstated and, if so, under what conditions.

13. Accordingly, pursuant to the terms set forth in paragraph 12 hereof, Respondent, hereby freely, knowingly and voluntarily surrenders his license to practice medicine in the State of Georgia to the Composite State Board of Medical Examiners. Respondent acknowledges that this surrender shall have the same effect as revocation his license, and Respondent knowingly forfeits and relinquishes all right, title and privilege of practicing medicine in the State of Georgia, unless and until such time as his license may be reinstated, in the discretion of the Board.

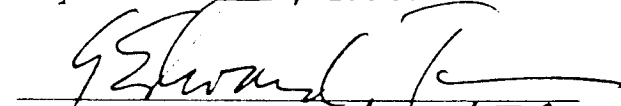
14. Respondent understands that he has a right to a hearing in this matter, and he hereby freely, knowingly and voluntarily waives such right. Respondent also understands that should any request for reinstatement be entertained by the Board, the Board shall have access to the entire investigative file in this matter.


15. Respondent further understands that upon applying for reinstatement, it shall be incumbent upon him to demonstrate to the satisfaction of the Board that he is able to practice medicine with reasonable skill and safety to patients and that if the Board is not so satisfied, the Board shall not reinstate his license.

16. Respondent understands that this surrender shall become effective immediately upon acceptance thereof by the Composite State Board of Medical Examiners and docketing by the Joint Secretary, State Examining Boards. Respondent understands that this document will be considered a public record entered as the final disposition of disciplinary proceedings presently pending against him, and that this action shall be considered to be and may be disseminated as a final order of the Board.


ABBAS HALIM DEMETRIOS, M.D.
Respondent

Sworn to and Subscribed
before me this 30th
day of ~~October~~ September, 1994.


~~Notary Public~~ G. Edward TANNER A. T. ORNEY & LAW
~~My Commission Expires: BAR No. 697573~~
(Witness of Respondent's Signature)


Michael R. Hauptman
Attorney for Respondent
Georgia Bar Number 338150

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

FILED IN OFFICE
Joint Secretary
State Examining Boards

IN THE MATTER OF:)

ABBAS HALIM DEMETRIOS, M.D.)

License No. 020862,)

Respondent.)

Docket No. 93-680

OCT 06 1994
DOCKET NUMBER
93-680

PETITION FOR VOLUNTARY SURRENDER OF LICENSE

Comes now Abbas Halim Demetrios, M.D., the Respondent in the above-styled action, by and through his undersigned counsel, and for his Petition for Voluntary Surrender of License, moves the Composite State Board of Medical Examiners, as follows:

STATEMENT OF FACTS

1. That Respondent is the holder of license number 020862 to practice medicine in the State of Georgia.

2. That Respondent was indicted in the Superior Court of Forsyth County, Georgia, indictment number 94-7149, for three counts of sexual assault by a practitioner of psychotherapy against a patient, in violation of O.C.G.A. § 16-6-5.1 (counts 1, 15 and 19 of the indictment); for eight counts of rape, in violation of O.C.G.A. § 16-6-1 (counts 3, 4, 6, 7, 8, 9, 10, and 11 of the indictment); one count of simple battery, in violation of O.C.G.A. § 16-5-23 (count 2 of the indictment); two counts of aggravated sodomy, in violation of O.C.G.A. § 16-6-2 (counts 12 and 13 of the indictment); three counts of aggravated sexual

battery, in violation of O.C.G.A. § 16-6-2.2 (counts 5, 16, and 18 of the indictment); one count of aggravated assault with a deadly weapon, in violation of O.C.G.A. § 16-5-21 (count 14 of the indictment); and four counts of sexual battery, in violation of O.C.G.A. § 16-6-2.2 (counts 17, 20, 21, and 22 of the indictment).

3. That all of the counts in the indictment allegedly occurred in the Respondent's medical office, in the St. Meena Medical Center in Cumming, Georgia. Furthermore, all of the victims alleged in the indictment were persons who were present in the Respondent's office for actual or purported medical conditions; and requested medical treatment from the Respondent.

4. That the Respondent entered a plea of not guilty to each and every count, and allegation contained in the indictment.

5. That the Respondent was afforded a trial by jury in the criminal indictment and that on September 22, 1994, the jury returned its verdict in the Respondent's criminal trial.

6. That the Respondent was found guilty of rape in counts 3 and 6 of the indictment; guilty of simple battery in count 2 of the indictment; guilty of aggravated sexual battery in count 5 of the indictment; guilty of the lesser included offense of simple battery in counts 1, 12, 13, 15, and 21; guilty of the lesser included offense of sexual battery in counts 4 and 18 of the

indictment; guilty of sexual assault by a practitioner of psychotherapy against a patient in count 19 of the indictment; guilty of sexual battery in counts 17, 20 and 22 of the indictment; and not guilty in counts 7, 8, 9, 10, 11, 14 and 16 of the indictment.

7. That notwithstanding the Respondent's convictions on the four felony counts and the eleven misdemeanor accounts, the Respondent maintains that he is innocent of all the allegations contained in the indictment. That the Respondent intends to appeal his convictions.

ARGUMENT AND CITATION OF LAW

8. O.C.G.A. § 43-34-37(a) gives this Board the authority to discipline a physician licensed under this chapter or any antecedent law, upon a finding by the Board that the licensee has committed an act prohibited in O.C.G.A. § 43-34-37(a)(1-13).

Pursuant to O.C.G.A. § 43-34-37(a)(3), the Board is authorized to discipline a licensee that has been convicted of a felony in the courts of this state or any other state, territory, country, or of the United States.

Pursuant to O.C.G.A. § 43-34-37(a)(4), the Board is authorized to discipline a licensee that has committed a crime involving moral turpitude, without regard to conviction. O.C.G.A. § 43-34-37(a)(4) further provides that the conviction of a crime

involving moral turpitude shall be evidence of the commission of such crime.

9. O.C.G.A. § 43-34-37(b)(1)(e) provides that when the Board finds that any person should be disciplined pursuant to subsection (a) of this Code section, the Board may revoke any license. Respondent readily acknowledges that the conviction of a felony or a crime of moral turpitude is a common reason for revocation of professional licenses; and that his convictions in the Superior Court of Forsyth County, Georgia, are sufficient grounds to revoke his license to practice medicine.

10. That O.C.G.A. § 43-34-37 provides that it was "enacted in the public welfare and shall be liberally construed." The Respondent further recognizes that his right to practice medicine is conditional and subordinate to state's power and duty to safeguard public health, and it is the universal rule that in performance of such duty and in exercise of such power, the state may regulate and control the practice of medicine and those who engage therein, subject only to limitation that measures adopted must be reasonable, necessary, and appropriate to accomplish legislature's valid objective of protecting health and welfare of its inhabitants. *Geiger v. Jenkins*, 316 F. Supp. 370 (N.D. Ga. 1970), aff'd, 401 U.S. 985, 91 S. Ct. 1236, 28 L. Ed. 2d 525 (1971). Respondent acknowledges that it would not be in the best

interest of the public welfare to allow a physician, who has been convicted of sexual assaulting his patients, to maintain his license to practice medicine.

11. That O.C.G.A. § 43-34-37(c) provides that the Board, in its discretion, may restore and reissue a license to practice medicine issued under this chapter or any antecedent law and, as a condition thereof, may impose any disciplinary or corrective measure provided in this chapter.

PRAYERS FOR RELIEF

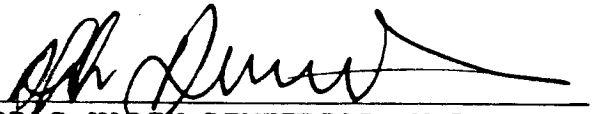
12. That the Composite State Board of Medical Examiners for the State of Georgia allow the Respondent to voluntarily surrender his license to practice medicine in the State of Georgia, subject to the pending termination of the direct appeal of his convictions in the Superior Court of Forsyth County, Georgia. That in the event Respondent's convictions are affirmed on direct appeal the Respondent's license to practice medicine shall remain revoked. That in the event Respondent's convictions are reversed on appeal, Respondent shall be entitled to a hearing before the Board to resolve the matters asserted and issues alleged in the Notice of Hearing and to determine whether Respondent's license should be reinstated and, if so, under what conditions.

13. Accordingly, pursuant to the terms set forth in paragraph 12 hereof, Respondent, hereby freely, knowingly and voluntarily surrenders his license to practice medicine in the State of Georgia to the Composite State Board of Medical Examiners. Respondent acknowledges that this surrender shall have the same effect as revocation his license, and Respondent knowingly forfeits and relinquishes all right, title and privilege of practicing medicine in the State of Georgia, unless and until such time as his license may be reinstated, in the discretion of the Board.

14. Respondent understands that he has a right to a hearing in this matter, and he hereby freely, knowingly and voluntarily waives such right. Respondent also understands that should any request for reinstatement be entertained by the Board, the Board shall have access to the entire investigative file in this matter.

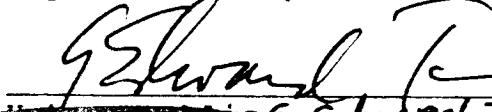
15. Respondent further understands that upon applying for reinstatement, it shall be incumbent upon him to demonstrate to the satisfaction of the Board that he is able to practice medicine with reasonable skill and safety to patients and that if the Board is not so satisfied, the Board shall not reinstate his license.

16. Respondent understands that this surrender shall become effective immediately upon acceptance thereof by the Composite State Board of Medical Examiners and docketing by the Joint Secretary, State Examining Boards. Respondent understands that this document will be considered a public record entered as the final disposition of disciplinary proceedings presently pending against him, and that this action shall be considered to be and may be disseminated as a final order of the Board.



ABBAS HALIM DEMETRIOS, M.D.
Respondent

Sworn to and Subscribed
before me this 30th
day of September, 1994.



~~Notary Public~~ G. Edward TANNER, Attorney at Law
My Commission Expires: BAR No. 697573
(Witness of Respondent's Signature)



Michael R. Hauptman
Attorney for Respondent
Georgia Bar Number 338150